

Applicants respectfully submit that one skilled in the art would be apprised of the scope of Claim 1, which is the applicable standard of clarity required under 35 U.S.C. § 112, and so the claims are not indefinite. MPEP 2173.02.

(1) As to the fact that the shafts are small diameter portions of the winches, while this is true, they are clearly excluded by the claim. That is, there is no ambiguity as to whether the shafts are included in the limitation of the “smaller diameter portions.”

(2) As to the “negative limitation” objection, Applicants respectfully submit that a negative limitation is not unacceptable so long as the negative nature of the limitation does not render the claim unclear. MPEP 2173.05(i). As has already been explained, there is no ambiguity as to whether the shafts are included in the limitation of the “smaller diameter portions.”

Claims 1, 3, 5 and 6 were also rejected under 35 U.S.C. §103 as being obvious over Pech et al. in view of the newly cited U.S. patent 6,152,425 (Boyer). The Examiner there alleged that Pech et al. discloses recesses for mounting the winches "but varies from the claims ... by not showing the detachable frame portions as the means for mounting the winches" and sandwiching the smaller-diameter portions of the winches. The Examiner alleged that the frames 15a-15d of Boyer would have rendered it obvious for those skilled in the art to have modified the winches of Pech et al. by sandwiching the small diameter portions, other than the winch shafts, using detachable frame portions. However, it is noted that Boyer instead teaches that the winch drum is simply mounted to a pair of underlying brackets 17a-17b.

Boyer discloses a winch 10 supported at the end of a boom 18 and having a winch drum 14 mounted in a housing 12. The housing is formed of a frame and includes interior frame supports 15a-15d, all of which are equally detachable from the frame. The winch drum

14 is held by winch drum supports 17a-17b which are connected to the interior frame supports 15a-15d (col. 3, lines 48-51).

Initially, Applicants wish to point out that Boyer would not suggest modifying Pech et al to provide a detachable frame connected detachably to the fixed frame for sandwiching a winch. The frame elements in Boyer are all equally detachable and have no relation to the "cap-like" arrangement of fixed and detachable elements alleged for inclusion in Pech et al.

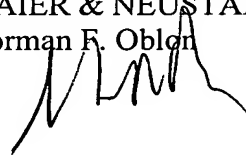
Additionally, and contrary to the allegation in the Office Action, Fig. 3 of Boyer does not disclose that the interior frame supports 15a-15d have recesses that sandwich the smaller diameter portions of the winch drum 14. Instead, Fig. 3 merely illustrates the winch drum resting on the drum supports 17a-17b. No recesses are illustrated in the interior frame supports 15a-15d, nor is a sandwich-like arrangement disclosed. Thus those skilled in the art would have had no motivation from the frame elements of Boyer for providing any specific "cap" arrangement in Pech et al.

The above remarks also apply to the rejection of Claims 1 and 3-5 under 35 U.S.C. §103 as being obvious over Harnischfegger et al in view of Boyer. Here as well, those skilled in the art would have had no motivation from the frame elements of Boyer for any specific "cap" arrangement in Harnischfegger et al.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

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